

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/002689

International filing date (day/month/year)
13.08.2004

Priority date (day/month/year)
21.08.2003

International Patent Classification (IPC) or both national classification and IPC
D06M13/17, D06M13/292, D06M13/295, D06M13/256, D06M13/288, D06M13/207, D06M13/148, D06M11/155,

Applicant
CLARIANT INTERNATIONAL LTD

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2004/002689

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002689

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|--------------|
| Novelty (N) | Yes: Claims | 4-9,13,15-17 |
| | No: Claims | 1-3,10-12,14 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-17 |
| Industrial applicability (IA) | Yes: Claims | 1-17 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

IAP20 Rec'd PCT/IB 21 FEB 2006
International application No.

PCT/IB2004/002689

Re Item V.

1. The following documents are referred to in this communication:

D1: EP-A-0 696 661
D2: EP-A-1 305 469
D3: EP-A-0 685 589
D4: US-A-5 698 507

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT and does not involve an inventive step in the sense of Article 33(3) PCT..

Documents D1 discloses a multifunctional textile auxiliary (I) comprising, inter alia, (a) 10-60 wt.% nonionic surfactant of formula $R1O-(Alkylene-O)_m1-$ (I); © 4-20 wt.% hydrotropic additive (cumenesulphonic acid, naphthalenesulphonic acid), (e) 0-8 wt. % Mg carboxylate salt, (f) 0-30 wt.% complexing or sequestering agent (hydroxy carboxylic acid as, for example, citric acid, phosphonates) and (h) 0-60 wt.% water.

The formula of the nonionic surfactant falls within the scope of the formula (I) claimed in claim 1 of the present application (D1: page 2, line 1 to page 3, line 55).

According to page 9, line 32ff of D1 said mixture is used as a textile auxiliary, e.g. as a wetting agent, detergent, dispersant or stabiliser in peroxide bleaching baths and provides storage-stable, low-foam, silicone-free, aqueous textile auxiliaries which can be used for the above applications without the addition of other foam suppressants, esp. silicones.

Moreover, it follows also from the examples of document D3 that the mixture claimed in claim 1 of the current application is already known in the art (see, for example, example 2, which describes a mixture comprising a mixture A, C12-18 alkoxyated alcohol, BAYSTABIL LF®, etc).

Document D4 discloses a composition comprising (a) 1-6% of a nonionic surfactant; (b) 5-15% of citric acid; (c) 0.75-3% of hydrogen peroxide; (d) 0.25-3% of an acid resistant protease enzyme; (e) 0.25-3% of an amylase enzyme; (f) 1-4% of a hydrotrope; (g) 0.1-1.5% of calcium chloride; (h) 0.5-2% of sodium formate and water (D4: column 2, line 49 to column 4, line 59).

Thus, the mixture claimed in claim 1 of the current application is not novel in view of D4.

3. INDEPENDENT CLAIM 14

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 14 is not new in the sense of Article 33(2) PCT and does not involve an inventive step in the sense of Article 33(3) PCT.

Each of the documents D1 and D3 discloses the use of said mixtures to pretreat textiles.

4. INDEPENDENT CLAIMS 15 AND 16

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 15 and 16 does not involve an inventive step in the sense of Article 33(3) PCT.

It follows not only from documents D1, D2 and D3 but also from the description of the current application that the pretreatment processes claimed in claims 15 and 16 are known in the art.

5. DEPENDENT CLAIMS 2, 3, 10-12, 17

Dependent claims 2, 3, 10-12, 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).